

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 22 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO THE EXPIRATION OF PROJECT DESIGN REVIEW APPROVALS, AMENDING SECTION 27.07.110 OF TITLE 27 RELATING TO APPROVED SUBDIVISION MAPS, AND AMENDING CHAPTER 28.87. OF TITLE 28 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO THE PREPARATION OF ZONING INFORMATION REPORTS AND THE EXPIRATION AND TOLLING OF DEVELOPMENT PLANS AND OTHER PROJECT APPROVALS FOR APPROVED DEVELOPMENT PROJECTS.

SECTION ONE. Sections 22.22.020 and 22.22.180 of Chapter 22.22 "Historic Structures" of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

22.22.020 Definitions.

Unless the context requires a different meaning, the words and phrases used in this chapter are defined as follows:

A. **"ADOBE."** An unburnt, sun-dried, clay brick; or a building made of adobe bricks.

B. **"ADVISORY MEMBER."** An Honorary Member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.

C. **"ALTERATION."** An exterior change or modification. For the purposes of this chapter, an alteration shall include, but not be limited to, exterior changes to or modification of a structure, including the architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, a structural addition, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

D. "**ARCHAEOLOGICAL.**" Pertaining to the scientific study of the life and culture of earlier peoples by excavation of sites and relics.

E. "**ARCHITECTURAL.**" Pertaining to the science, art or profession of designing and constructing buildings.

F. "**CEQA.**" The "California Environmental Quality Act" as codified at state Public Resources Code §§ 21000 et seq. and the approved Administrative Guidelines related thereto as established in the California Code of Regulation, Title 14, Chapter 3, §§ 15000-15387.

G. "**COMMISSION.**" Historic Landmarks Commission established by City Charter.

H. "**COUNTY ASSESSOR.**" The Tax Assessor of the County of Santa Barbara.

I. "**CULTURAL.**" Pertaining to the concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period.

J. "**DEMOLITION.**" The permanent removal from a structure of either a significant component or a character defining element, as may be determined by the Historic Landmarks Commission or where appropriate, by the Community Development Director. Demolition shall include, but not be limited to, the act of pulling down, destroying, removing, relocating or razing a structure or commencing the work thereof with the intent of completing the same.

K. "**ELEVATIONS.**" The flat scale orthographic projected drawings of all exterior vertical surfaces of a building.

L. "**FAÇADE.**" The front of a building or the part of a building facing a street, courtyard, etc.

M. "**HISTORIC DISTRICT.**" A delineated geographic area of the City (or a noncontiguous grouping of real properties within the City) where most of the properties within the district are thematically architecturally related and possess historical significance, special character, or aesthetic value, including, but not limited to, a distinct section of the City possessing a significant concentration of cultural resources which are united historically or aesthetically either by plan or by physical development, as such a district is designated by the City Council, acting by resolution or by ordinance, as being worthy of protection under this Chapter.

N. "**HISTORIC RESOURCE.**" A City designated "Landmark" or a City designated "Structure of Merit."

O. **"HISTORIC RESOURCE SURVEY."** A field investigation of structures, sites, or natural features within a certain designated area or neighborhood of the City made by the City for the purpose of identifying potential City Historic Resources.

P. **"LANDMARK."** A structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark under the provisions of this chapter.

Q. **"LANDMARK DISTRICT."** An area of the City of Santa Barbara containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark district under the provisions of this Chapter.

R. **"MEMBER."** A member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.

S. **"NATURAL FEATURE."** A tree, plant life or geological or other distinctive physical characteristic or natural feature or element present on the real property.

T. **"NEIGHBORHOOD."** An area of the City of Santa Barbara designated as such in the City's General Plan.

U. **"OWNER."** A person, association, partnership, firm, corporation or public entity appearing as the holder of legal title to any property on the last assessment roll of the County Assessor.

V. **"POTENTIAL HISTORIC RESOURCES LIST."** A list consisting of those structures, real property sites, or real property natural features which have been identified by the Historic Landmarks Commission as being a potentially significant historic resource as such identification process is provided for in Section 22.22.030 hereof.

W. **"PRESERVATION EASEMENT."** An interest held by the public in any structure, natural feature, site or area not owned by the public and restricting its use, alteration, relocation or demolition for the purpose of preservation.

X. **"PROJECT DESIGN APPROVAL."** The review and approval of an application on its merits where the application has been filed pursuant to Santa Barbara Municipal Code Chapter 22.22, Chapter 22.68, or Chapter 22.69 and where the minutes of the Historic Landmarks Commission (or the Architectural Board of Review or the Single Family Design Board, as the appropriate case may be) designate the approval as the "Project Design Approval." For the purposes of the state "Permit Streamlining Act" (Government Code

section 65950 et seq.), the "Project Design Approval" is the substantive approval of the project on its design merits.

Y. **"SITE PLAN."** A flat scale drawing of the place where something is, is to be, or was located.

Z. **"STRUCTURE."** A building or any other man-made object affixed on or under the ground.

AA. **"STRUCTURE OF MERIT."** A structure not designated as a landmark but deserving official recognition as having historic, architectural, archaeological, cultural or aesthetic significance and designated as a Structure of Merit under the provisions of this Chapter.

22.22.180 Expiration of Project Design Approvals.

A. PROJECT DESIGN APPROVAL.

1. **Approval Valid for Three Years.** A Project Design Approval issued by the Historic Landmarks Commission or the City Council on appeal shall expire if a building permit for the project is not issued within three (3) years of the granting of the Project Design Approval by the Commission or the City Council on appeal.

2. **Extension of Project Design Approvals.** Upon a written request from the applicant submitted prior to the expiration of the Project Design Approval, the Community Development Director may grant one (1) two-year extension of a Project Design Approval.

B. **EXCLUSIONS OF TIME.** The time period specified in this Chapter for the validity of a Project Design Approval shall not include any period of time during which either of the following applies:

1. a City moratorium ordinance on the issuance of building permits is in effect; or

2. a lawsuit challenging the validity of the Project's approval by the City is pending in a court of competent jurisdiction.

SECTION TWO. Sections 22.68.015 and 22.68.110 of Chapter 22.68 "Architectural Board of Review" of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

Section 22.68.015 Definitions.

A. DEFINED IN THIS CHAPTER. If any word or phrase is defined in this Chapter 22.68, the definition given in this Chapter shall be operative for the purposes of this Chapter.

B. DEFINED IN CHAPTER 28.04. If a word or phrase used in this Chapter 22.68 is not defined in this Chapter, but is defined in Chapter 28.04 of this Code, the word or phrase shall have the same meaning in this Chapter as the meaning specified in Chapter 28.04.

C. UNDEFINED WORDS AND PHRASES. Any words or phrases used in this Chapter 22.68 that are not defined in this Chapter or Chapter 28.04 of this Code shall be construed according to the common meaning of the words and the context of their usage.

D. PROJECT DESIGN APPROVAL. With respect to design review by the Architectural Board of Review, a "Project Design Approval" is as defined in SBMC Section 22.22.020.

Section 22.68.110 Expiration of Project Design Approvals.

A. PROJECT DESIGN APPROVAL.

1. Approval Valid for Three Years. A Project Design Approval issued by the Architectural Board of Review or the City Council on appeal shall expire if a building permit for the project is not issued within three (3) years of the granting of the Project Design Approval by the Architectural Board of Review or the City Council on appeal.

2. Extension of Project Design Approvals. Upon a written request from the applicant submitted prior to the expiration of the Project Design Approval, the Community Development Director may grant one (1) two-year extension of a Project Design Approval.

B. EXCLUSIONS OF TIME. The time period specified in this Chapter for the validity of a Project Design Approval shall not include any period of time during which either of the following applies:

1. a City moratorium ordinance on the issuance of building permits is in effect; or

2. a lawsuit challenging the validity of the Project's approval by the City is pending in a court of competent jurisdiction.

SECTION THREE. Sections 22.69.015 and 22.69.090 of Chapter 22.69 "Single Family Design Board" of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

Section 22.69.015 Definitions.

A. DEFINED IN THIS CHAPTER. If any word or phrase is defined in this Chapter 22.69, the definition given in this Chapter shall be operative for the purposes of this Chapter.

B. DEFINED IN CHAPTER 28.04. If a word or phrase used in this Chapter 22.69 is not defined in this Chapter, but is defined in Chapter 28.04 of this Code, the word or phrase shall have the same meaning in this Chapter as the meaning specified in Chapter 28.04.

C. UNDEFINED WORDS AND PHRASES. Any words or phrases used in this Chapter 22.69 that are not defined in this Chapter or Chapter 28.04 of this Code shall be construed according to the common meaning of the words and the context of their usage.

D. PROJECT DESIGN APPROVAL. With respect to design review by the Single Family Design Board, a "Project Design Approval" is as defined in SBMC Section 22.22.020.

Section 22.69.090 Expiration of Project Design Approvals.

A. PROJECT DESIGN APPROVAL.

1. Approval Valid for Three Years. A Project Design Approval issued by the Single Family Design Board or the City Council on appeal shall expire if a building permit for the project is not issued within three (3) years of the granting of the Project Design Approval by the Single Family Design Board or the City Council on appeal.

2. Extension of Project Design Approval. Upon a written request from the applicant submitted prior to the expiration of the Project Design Approval, the Community Development Director may grant one (1) two-year extension of a Project Design Approval.

B. EXCLUSIONS OF TIME. The time period specified in this Chapter for the validity of a Project Design Approval shall not include any period of time during which either of the following applies:

1. a City moratorium ordinance on the issuance of building permits, is in effect; or

2. a lawsuit challenging the validity of the Project's approval by the City is pending in a court of competent jurisdiction.

SECTION FOUR. Section 22.70.050 of Title 22 of the Santa Barbara Municipal Code is hereby amended to read as follows:

Section 22.70.050 Sign Permits.

A. APPLICATION. Any person desiring to construct, maintain or display a sign for which a permit is required shall submit an application to the Planning Division of the Community Development Department. The application shall be made upon forms provided by the Community Development Department and shall be accompanied by the following materials:

1. Two copies of a plan showing:

a. The position of each sign and its relation to adjacent buildings or structures.

b. The proposed design, size, colors, and location on the premises of each sign including the type and intensity of any proposed lighting.

2. A statement showing the sizes and dimensions of all signs existing on the premises at the time of making such application.

3. Such other information as the Director of the Community Development Department may require to show full compliance with this and all other ordinances of the City of Santa Barbara.

4. A written authorization to submit the sign permit application signed by the property owner or lessee.

B. FEES. The sign permit application shall be accompanied by the appropriate fee established by the City Council by resolution. If installation of a sign is commenced before an application for a permit is made or before the plans are approved by the Sign Committee, the applicant shall be charged an additional field inspection fee equal to the permit fee.

C. PROCESSING APPLICATIONS.

1. Community Development Department staff shall review the application and accept it as complete or reject it as incomplete within three (3) working days from the date of filing.

2. No sign permit application will be accepted if:

a. The applicant has installed a sign in violation of the provisions of this Chapter and, at the time of the submission of the application, each illegal sign has not been legalized, removed or included in the application; or

b. Any sign under the control of the applicant on the

premises of the proposed sign was installed in violation of this Chapter and at the time of submission of the application, each illegal sign has not been legalized, removed or included in the application; or

c. The sign permit application is substantially the same as an application previously denied by staff or the Sign Committee or, on appeal, by the Historic Landmarks Commission, the Architectural Board of Review, or the City Council, unless:

i. Twelve (12) months have elapsed from the date of the final decision on the application; or

ii. New evidence or proof of changed conditions is furnished in the new application.

3. **Assignment of Level of Review.** Community Development Staff will review each sign permit application and assign each complete application to one of three review categories: conforming review, consent review, or full board review. Sign permit applications will be assigned to conforming review based on the criteria found in Section 22.70.050.E. Most other sign permit applications will be assigned to consent review. Sign permit applications that involve multiple exception requests, a large number of signs, or a large volume of signage will be assigned to full board review. Prior to a hearing on Consent Review, any member of the Sign Committee, Architectural Board of Review, or the Historic Landmarks Commission may request that an application assigned for consent review be re-assigned for full board review.

D. BUILDING AND ELECTRICAL PERMITS. After a sign has been approved by the Sign Committee the applicant shall obtain all required building and electrical permits from the Building and Safety Division of the Community Development Department.

E. CONFORMING AND CONSENT SIGN REVIEW.

1. **Sign Conformance Determination.** Applications for signs conforming to the Sign Ordinance and Sign Review Guidelines may be eligible for review and approval by the Chair or Vice-Chair of the Sign Committee or their designated alternate. Conforming signs which meet the following criteria shall be referred by Staff for Conforming Sign Review:

a. Signs where the size, shape, color, placement, and any lighting of the sign are consistent with adopted guidelines.

b. Signs located within El Pueblo Viejo Landmark District that comply with the requirements of Section 22.70.040.B and would be compatible with the required architectural style described in Section 22.22.104.

c. Minor wording, name, color and/or face changes which do not affect the character or location of a sign;

d. Signs for a commercial or industrial complex where a previously approved sign program is in effect and the proposed sign conforms to the program;

e. Thirty (30) day extension of temporary signage;

f. Conceptually approved signs, if all Committee conditions are met; and

g. Awning Signs.

Sign applications which do not meet these specific criteria may be referred by Staff or the Chair, Vice-Chair or their designated alternate for Conforming Sign Review, if deemed appropriate. In addition, the full Sign Committee may also direct some projects or portions of projects to the Conforming Sign Review for approval.

2. Conforming Review. Conforming reviews are conducted by any one (1) member of the Sign Committee.

3. Consent Review. Consent reviews are conducted by any two (2) members of the City Committee.

4. Standard of Review and Findings. Conforming review and consent review are conducted using the review criteria provided in Section 22.70.050.G and making the findings required in Section 22.70.050.H.

F. FULL BOARD REVIEW. Full board review is conducted by the ABR or, if the sign is located in El Pueblo Viejo Landmarks District or the sign is proposed on a site that is a designated historic resource or potential historic resource, the HLC. When conducting a full board review of a sign permit application, the ABR or HLC shall assume the role of the Sign Committee, as provided in Chapter 22.70 and amended by this ordinance. The ABR or HLC shall employ the current adopted Sign Review Guidelines and shall conduct its review using the review criteria provided in Section 22.70.050.G and making the findings required in Section 22.70.050.H.

G. SIGN REVIEW CRITERIA.

1. In reviewing a sign permit application, staff and the Sign Committee shall apply the following criteria as the basis for action:

a. The sign shall be in proportion with and visually consistent with the architectural character of the building.

b. The sign shall not constitute needless repetition, redundancy or proliferation of signing.

c. The location of the proposed sign and the design of its visual elements (lettering, colors, decorative motif, spacing and proportion) shall result in a sign which is legible under normal viewing conditions existing at the sign's proposed location.

d. The sign shall not obscure from view or unduly detract from existing signing.

e. If the proposed sign will be adjacent to, in or near a residential area, it shall be harmonious and compatible with the residential character of the area.

f. The size, shape, color and placement of the sign and any lighting shall be compatible to and harmonious with the building which it identifies and with the area in which it will be located.

g. If the sign is to be located in El Pueblo Viejo Landmark District, the sign shall comply with the requirements of Section 22.70.040.E and shall be compatible with the required architectural style described in Section 22.22.104.

2. If a sign permit application satisfies the above criteria and complies with the other provisions of this Chapter, it shall be approved.

H. FINDINGS. If a sign permit application is denied, specific and detailed findings setting forth the reasons why the proposed sign violates the criteria set forth above or other provisions of this Chapter shall be prepared in writing and mailed to the applicant or his agent and sign contractor within seven (7) days.

I. APPEALS. The applicant or any interested person may appeal decisions concerning sign permit applications as follows:

1. Appeals to the Architectural Board of Review or the Historic Landmarks Commission. Any action of the Sign Committee or of the Division staff may be appealed by the applicant or any interested party to the Architectural Board of Review or, if the sign is in El Pueblo Viejo Landmark District or if the sign is proposed on a site that is a designated historic resource or potential historic resource, to the Historic Landmarks Commission. Said appeal shall be in writing, shall state reasons for the appeal and shall be filed with the staff of the Architectural Board of Review or the Historic Landmarks Commission within ten (10) days of the meeting at which the decision being appealed was rendered. A hearing shall be held

by the Architectural Board of Review or the Historic Landmarks Commission, as appropriate, at the first available meeting of the Architectural Board of Review or the Historic Landmarks Commission following the filing of the appeal. Notice of the time and place of the hearing shall be sent to the applicant and appellant no later than five (5) days prior to said hearing. The Board or Commission may affirm, reverse or modify the decision of the Sign Committee or staff concerning the sign permit application. Said action shall take place within twenty-eight (28) days from the date of the filing of the appeal. Failure to act within said period will result in the sign permit application being deemed approved to the extent that it complies with the provisions of this Chapter. Upon such an automatic approval, the Division of Land Use Controls shall issue the permit. No member of the Board or Commission who is also a member of the Sign Committee and who participated in the decision of the Sign Committee shall act on the appeal.

2. Appeal to the City Council. An appeal to the City Council from the decision of the Architectural Board of Review or the Historic Landmarks Commission shall be made pursuant to the provisions of Section 1.30.050 of this Code.

J. EXPIRATION OF PENDING APPLICATION. Signs must be installed within six months of the date of approval or the approval is void, unless the applicant has requested and received an extension not exceeding six (6) months from the Community Development Director.

SECTION FIVE. Section 27.07.110 of Chapter 27 of Title 27 of the Santa Barbara Municipal Code is hereby amended to read as follows:

Section 27.07.110 Expiration and Extensions of Tentative Maps

A. EXPIRATION. The approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved.

B. EXTENSION. The subdivider may request an extension of the tentative map approval or conditional approval by written application to the Staff Hearing Officer filed with the Community Development Department, such application to be filed before the expiration of the tentative map. The application shall state the reasons for requesting the extension. The Staff Hearing Officer shall grant or deny the request for an extension. In granting an extension, the Staff Hearing Officer may impose new conditions or revise existing conditions.

C. APPEAL. If the Staff Hearing Officer denies the subdivider's application for an extension, the subdivider may appeal said denial to the City Council within fifteen (15) days after the Staff Hearing Officer action.

D. TIME LIMIT ON EXTENSIONS. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of three (3) years beyond the expiration of the twenty-four (24) month period provided in Subsection A above.

E. EFFECT OF MAP MODIFICATION ON EXTENSION. Modification of a tentative map after approval or conditional approval shall not extend the time limits imposed by this section.

F. LITIGATION TOLLING PURSUANT TO THE SUBDIVISION MAP ACT. The period of time specified in this section for the validity of a tentative map, including any extension thereof, granted pursuant to the state Subdivision Map Act, shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction provided that such litigation tolling does not exceed a period of five (5) years.

For the purposes of compliance with subsection (c) of Government Code Section 66452.6 (a part of the state Subdivision Map Act), this subsection shall be deemed the local agency's express approval of the tolling of the period of time during which a tentative map's approval is subject to litigation. The Community Development Director may adopt administrative procedures for requiring an applicant to advise the City of litigation challenging the validity of a tentative map's approval or conditional approval and for documenting the period of time involved in such litigation.

SECTION SIX. Sections 28.87.220, 28.87.350, 28.87.360, and 28.87.370 of Chapter 28.87 of Title 28 of the Santa Barbara Municipal Code are amended to read as follows:

Section 28.87.220 Zoning Information Report.

A. STATEMENT OF LEGISLATIVE INTENT.

These regulations are intended to require a Zoning Information Report for purchasers of residential property, setting forth matters of City record pertaining to the authorized use, occupancy, zoning and the results of a physical inspection of the property. Primary purpose of the report is to provide information to the potential buyer of residential property concerning the zoning and permitted use of the property.

B. DEFINITIONS.

1. "Owner" shall mean any person, co-partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.

2. "Residential property" shall mean any improved real property, designed or permitted to be used for any residential purpose, situated in the City and shall include the building or structures located on said improved real property.

3. "Agreement of sale" shall mean any agreement or written instrument which provides that title to any property shall thereafter be transferred for consideration from one (1) owner to another owner.

C. REPORT REQUIRED.

1. **Application.** Except where a sale is exempt from the requirements of this section pursuant to Subsection G below, no later than five (5) days after entering into an "agreement of sale" of any residential property, the owner or owner's authorized representative shall make application to the City for a Zoning Information Report to the Community Development Director on a form provided, and pay a fee as established by resolution of the City Council.

Under normal circumstances the report will be available no later than fifteen (15) working days after the application is received by the Community Development Director.

2. **Copy to Buyer.** Said owner or owner's authorized representative shall provide a copy of the report to the buyer or buyer's authorized representative no later than three (3) days prior to consummation of the transfer of title. The buyer or buyer's authorized representative may waive in writing the requirement for delivery three (3) days prior to consummation of the transfer of title but in any event the report shall be provided to the buyer or buyer's authorized representative prior to the consummation of the transfer of title.

3. **Proof of Receipt.** Proof of receipt of a copy of the report shall be obtained by the owner or owner's authorized representative prior to consummation of the transfer of title. Said proof shall consist of a statement signed by the buyer or buyer's authorized representative stating that the report has been received, the date of the report and the date it was received. City shall provide a receipt form with each zoning information report. The original of the signed proof of receipt shall be mailed or delivered to the Community Development Director of the City no later than the consummation of the transfer of title.

D. CONTENTS OF ZONING INFORMATION REPORT.

The Community Development Director shall review the applicable City records and provide the applicant the following information on the Zoning Information Report:

1. Street address and parcel number of the property.
2. The zone classification and permitted uses as set forth in the Zoning Ordinance of the City of Santa Barbara.
3. Occupancy and use permitted as indicated and established by records.
4. Variance, special use permits, conditional use permits, modifications and other administrative acts of record.
5. Any special restrictions in use or development which are recorded in City records and may apply to the property.
6. Any known nonconformities or violations of any ordinances or law.
7. The results of a physical inspection for compliance with the Zoning Ordinance and for compliance with Chapter 14.46 of this Code.
8. A statement of whether the real property has had a Building Sewer Lateral Report prepared for the real property pursuant to the requirements of Santa Barbara Municipal Code Chapter 14.46 within the five (5) year period prior to the preparation of the Zoning Information Report and, if so, that a copy of the Building Sewer Lateral Report is available from the City for the buyer's inspection. All Zoning Information Reports shall also contain an advisory statement (in bold not less than 10 point typeface) prepared by the Public Works Director which advises a purchaser of residential real property regarding the potential problems and concerns caused by an inadequate, failing, or poorly-maintained Building Sewer Lateral. In addition, the standard required advisory statement shall indicate the advisability of a purchaser obtaining a recently-prepared Building Sewer Lateral Inspection Report.

E. VIOLATION OF LAW NOT PERMITTED.

Any report issued pursuant to this section shall not constitute authorization to violate any ordinance or law, regardless of whether the report issued pursuant to this section purports to authorize such violation or not.

F. EXPIRATION OF REPORT.

Each report shall be valid for a period of twelve (12) months after date of issue or until a transfer of title occurs, whichever is sooner.

G. EXEMPTIONS.

The provisions of this section shall not apply to the following sales:

1. The first sale of each separate residential building located in a subdivision where the final subdivision or parcel map has been approved and recorded in accordance with the Subdivision Map Act not more than two (2) years prior to the first sale.

2. The sale of any residential property on which a new home is under construction pursuant to a valid building permit; or

3. The sale of any residential property where the final building permit inspection on a new home was issued within three (3) months of the date on which the owner entered into the agreement for the sale of a home to the buyer.

4. The sale of a condominium unit.

H. EFFECT OF NONCOMPLIANCE.

It shall be unlawful for any owner to consummate the transfer of title to any residential property without providing the transferee with a Zoning Information Report as required in this Section 28.87.220. The failure to comply with the provisions of this Section shall not invalidate the transfer or conveyance of real property to a bona fide purchaser or encumbrancer for value.

Section 28.87.350 Development Plan Time Limits.

A. TIME LIMIT. A development plan approved pursuant to any provision of this Title shall expire four (4) years from the date of its approval, except as otherwise provided herein. No building or grading permit for any work authorized by a development plan shall be issued following expiration of that plan.

B. CONDITIONS. Any condition imposed on a development plan may, in the discretion of the body approving the development plan, also constitute (i) a condition to the issuance of and continued validity of any building or grading permit issued to implement that development plan, (ii) a condition to the issuance of the certificate of occupancy with respect to any

improvements authorized by the development plan and (iii) if recorded with the County Recorder, to the continued validity of the certificate of occupancy. Violation of any such condition shall be grounds for suspension or revocation of any building or grading permit or certificate of occupancy issued with respect to the development plan.

C. EXTENSION OF TIME PERIOD. Upon application of the developer filed prior to the expiration of the development plan, the time at which the development plan expires may be extended by the Community Development Director for one (1) year.

An extension of the expiration date of a development plan shall be granted if it is found that there has been due diligence to implement and complete the proposed project as substantiated by competent evidence in the record.

D. SUSPENSION OF TIME DURING MORATORIUM. The period of time specified in Subsection A, including any extension thereof granted pursuant to Subsection C, shall not include any period of time during which a moratorium, imposed after approval of the development plan, is in existence, provided however, that the length of the moratorium does not exceed five (5) years. For purposes of this Subsection, a development moratorium shall include (i) a water or sewer moratorium, (ii) a water and sewer moratorium, and (iii) a building or grading permit moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land other than the City, which thereafter prevents, prohibits, or delays the completion of the development.

Once a moratorium is terminated, the development plan shall be valid for the same period of time as was left to run on the development plan at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the development plan shall be valid for 120 days following the termination of the moratorium.

E. SUSPENSION OF TIME DURING LITIGATION. The period of time specified in Subsection A, including any extension thereof granted pursuant to Subsection C, shall not include the period of time during which a lawsuit involving the approval of the development plan or related approvals is or was pending in a court of competent jurisdiction. After service of the initial petition or complaint in the lawsuit upon the City, the applicant may advise the City of the need for a litigation tolling pursuant to the City's adopted procedures.

F. DEVELOPMENT PLANS ALREADY APPROVED.

1. Beginning Date - Development Plan Approvals. For the purpose of calculating the expiration date of development plans approved prior to the adoption of the ordinance approving this Section, the date of approval of such development plans shall be deemed to be the date said ordinance is adopted by the City Council.

2. Specific Plan Development Plan Approvals. For the purposes of calculating the expiration date of a Specific Plan project Development Plan approved in accordance with Santa Barbara Municipal Code Chapter 29.30, Development Plan approvals shall be deemed to expire eight (8) years after the date of the final City action approving the project Development Plan and shall include any related project approvals or modifications granted by the City in connection therewith.

Section 28.87.360 Abandonment and Revocation of Staff Hearing Officer or Planning Commission Approvals.

A. ABANDONMENT OR NON-USE OF APPROVAL. The validity of a Staff Hearing Officer or Planning Commission action approving a modification, conditional use permit, variance, or Performance Standard Permit shall terminate if (i) a building permit for the use authorized by the approval is not issued within twenty-four (24) months of granting the approval, unless an extension is granted by the Community Development Director, and the construction authorized by the permit diligently pursued to completion and issuance of a Certificate of Occupancy, or (ii) the use authorized by the approval is discontinued, abandoned or unused for a period of six (6) months following the earlier of (a) issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

B. SUSPENSION OF TIME DURING LITIGATION. The period of time specified in Subsection A shall not include the period of time during which a lawsuit involving the approval of the modification, conditional use permit, variance, or Performance Standard Permit or related approvals is or was pending in a court of competent jurisdiction. After service of the initial petition or complaint in the lawsuit upon the City, the applicant may advise the City of the need for a litigation tolling pursuant to the City's adopted procedures.

C. VIOLATION OF CONDITIONS OF APPROVAL. If the conditions of approval of any variance, modification, conditional use permit or performance standard permit have not been met within any time limits established in such conditions, or have been violated as determined by the Community Development Director, the Staff Hearing Officer or Planning Commission may revoke these permits

or approvals. A decision to revoke shall be made following a hearing, using the same noticing requirements that were applicable to the original permit or application.

D. APPEALS.

1. A decision of the Staff Hearing Officer to revoke a permit or other approval under this Section may be suspended or appealed pursuant to Section 28.05.020.

2. A decision of the Planning Commission to revoke a permit or other approval under this Section may be appealed to the City Council pursuant to Chapter 1.30. In addition to the procedures specified in Chapter 1.30, notice of the public hearing before the City Council on an appeal from a decision of the Planning Commission regarding a decision of the Staff Hearing Officer shall be provided in the same manner as notice was provided for the hearing before the Planning Commission. At the time of filing an appeal, the appellant shall pay a fee in the amount established by resolution of the City Council.

28.87.370 Timelines for Projects with Multiple Approvals.

A. TIMELINES TRACK LONGEST LAND USE APPROVAL. If a project requires multiple discretionary applications pursuant to Titles 22, 27, or 28 of this Code, the expiration date of all discretionary approvals (i.e., such as Title 22 design review, Title 27 subdivision map approval, or Title 28 land use approvals) shall correspond with the longest expiration date specified by any of the land use discretionary applications (including any extensions that are granted for such approval and any applicable tolling or suspensions granted pursuant to this Chapter), unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

B. EXCLUSIONS OF TIME. The periods of time specified in this Section 28.87.370 shall not include any period of time during which either: 1. a moratorium ordinance on the issuance of building permits, imposed by the City after the project received project design approval, is or was in effect; or 2. a lawsuit involving the project design approval or the land use approvals for the project is or was pending in a court of competent jurisdiction. The maximum length of any exclusion of time under this subsection shall be five (5) years. If the project requires the approval of a tentative subdivision or parcel map pursuant to Title 27 of this Code, the length of any exclusion of time pursuant to this subsection shall be equal to the length of the exclusion approved by the local agency upon a

request of the subdivider pursuant to Government Code Section 66452.6(c) and subsection (F) of SBMC 27.07.110.

C. **APPROVALS RUN CONCURRENTLY.** When any City discretionary approval is extended by operation of this Section 28.87.370, such approval shall run concurrently with, not consecutively to, the term of the longest discretionary land use approval for the project. If a building permit for the project has not been issued prior to the expiration of the longest discretionary land use approval for the project (including any extensions granted for that approval), all discretionary approvals for the project shall expire and become null and void upon the expiration of the longest discretionary land use approval. A design review approval shall not operate to extend a land use approval.

D. **COMMENCEMENT OF TIMING FOR APPROVALS CONTINGENT UPON ACTION OF OTHER GOVERNMENTAL BODIES.** When a discretionary approval by the City made pursuant to Titles 27 or 28 is contingent upon an action by another governmental body (i.e., for example, the approval of an annexation by the Local Agency Formation Commission or certification of an amendment to the Local Coastal Plan by the California Coastal Commission), the timeline for all discretionary approvals related to the project shall not commence until all such outside agency contingencies are satisfied. The suspension of project timelines allowed in this subsection shall not exceed two (2) years from the date of the final City action on the discretionary approval that is contingent upon the action of another governmental body. This suspension shall not run consecutively to a moratorium or litigation exclusion unless the moratorium or litigation legally prevented the applicant from processing the application before the other governmental body.

SECTION SIX. This ordinance shall apply to all City design and land use project approvals which are valid and in effect as of the effective date of this ordinance.